IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 30TH NOVEMBER 2007 / 9TH AGRAHAYANA 1929

CRP.No. 1048 of 2007()

AGAINST THE ORDER IN IA.548/07 IN
AS.14/2007 of DISTRICT COURT, THODUPUZHA

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REVN. PETITIONER: Petitioner/Appellant

K.J.JOHN, S/O.JOSEPH, AGED 53,
KARUKUNNEL HOUSE, EAST KALOOR P.O.,
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER,
JOY, S/O.JOHN, AGED 58, RESIDING AT
THENGUMKUDIYIL HOUSE, POTTANKADU P.O.,
KOTHAMANGALAM.

BY ADV. SRI.JOSE JOSEPH ARAYAKUNNEL
SRI.VARGHESE PARAMBIL

RESPONDENT:Cr.petitioner/Respondent

SIBICHAN THOMAS, S/O.THOMAS,
AGED 41 YEARS, RESIDING AT PATTABATHIYIL HOUSE,
OTTALOOR KARA, KARIMKUNNAM VILLAGE.

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 30/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.Krishnan, J.

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C.R.P.No.1048 of 2007

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Dated this the 30th day of November, 2007.

ORDER

This revision Petition is preferred against the order of the District Judge, Thodupuzha in I.A.No.548 of 2007 in A.S.No.14 of 2007. It was an application filed for condoning the delay of 313 days in filing the appeal. The court, after consideration of the materials, exercised its judicial discretion to condone the delay and gave a direction to deposit 50% of the decree amount before the court on or before 15.11.2007. I think that such a direction in the delay condonation application is a little harsh. But in the next stage also, an order has to be passed when the appeal is admitted and stay is ordered.

2. Therefore, I feel that the order of the court below can be modified and there can be a direction to furnish security for half of the decree amount to the satisfaction of that court within a period of one month from today. I make it clear that in case of

admission of the appeal and when an application for stay is moved, no further direction need be given to furnish security with respect to 50% of the amount.

Civil Revision Petition is disposed of accordingly.

M.N.Krishnan,
Judge.

ess 30/11